

## EXHIBIT 1

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

*Circuit Court  
Greenbrier Co., W. Va.  
Filed*

2013 AUG 27 PM 1:52

STEVE R. MARTIN,  
Plaintiff,

v.

MEADWESTVACO CORPORATION,  
Defendant.

Civil Action No: 13-C-181

*(R)*  
A True Copy:  
ATTEST:

COMPLAINT

*Lorraine Durkule*

Clerk, Circuit Court  
Greenbrier County, WV

By *Melissa A. McCoy* Deputy

(1) Steve R. Martin, at all times relevant to this Complaint, operated a small logging company d/b/a Martin Logging. Steve R. Martin was the owner and sole employee and both he and his company are residents of the State of West Virginia.

(2) For more than a decade, Steve R. Martin has cut and delivered timber and logs to MeadWestvaco Corporation [Westvaco] at its paper mill plant just across the West Virginia border in Covington, Virginia.

(3) Westvaco is a Commonwealth of Virginia corporation with its principal offices in Richmond, Virginia. Westvaco has physical facilities and business operations in Greenbrier County, West Virginia and regularly contracts with West Virginia loggers for the purposes of cutting and delivering qualifying logs to Westvaco's paper mill operations in Covington, Virginia.

(4) Westvaco issues authorization cards to West Virginia loggers and others permitting and allowing West Virginia loggers to enter upon Westvaco's premises in Covington, Virginia for the purposes of delivering timber and logs, cut and processed in the State of West Virginia for delivery to Westvaco's paper mill facilities.

(5) Westvaco has identified a registered agent for service of process in the State of West Virginia, namely, CT Corporation System, 5400-D, Big Tyler Road, Charleston, West Virginia 25313.

(6) On the night of September 17, 2011, Steve R. Martin delivered a load of logs and timber he had cut that day in Greenbrier County, West Virginia to Westvaco's Covington, Virginia paper mill.

(7) Steve R. Martin's truck and load were weighed, and a weigh bill issued, and he drove his truck, with its load, to the concrete unloading pad.

(8) Steve R. Martin parked his vehicle in the designated location and exited his truck.

(9) Steve R. Martin unchained his load and moved away from his truck, 25-50 feet behind its rear. Steve R. Martin had on all required safety gear, including a hard hat and safety glasses.

(10) Westvaco did not make use of a loader helper. The practice and procedure at this location was that the trucker would assist the loader operator by hand signals for the purposes of having a L-90 Lumberjack Grappler use its grapples to remove the timber and logs from the truck bed and transport the timber and logs to the debarker or to the area where the logs were being stored.

(11) On this occasion, the Lumberjack Grappler operator, when removing the timber and logs from Mr. Martin's truck bed, also grabbed two of the steel standards used to keep the load within the truck bed. Both standards, or stakes, were caught up in the load, by then elevated over the ground.

(12) These metal standards or stakes must be removed from the load before processing at the debarker.

(13) The typical practice and procedure at this facility when steel standards or stakes were entangled in the load was that the load would be held in place, just above the ground, and the truck driver, while the load was being held in place, would remove the metal stakes or standards by hand.

(14) Depending on the location of the metal stakes or standards, the location of the man attempting to free the stakes is not visible to the loader operator.

(15) Steve R. Martin signaled the loader operator that the stakes were caught up in the load. Steve R. Martin received the verbal assurance from the operator that the load would be stationary and would not be further moved while he attempted to dislodge the metal stakes or standards.

(16) Steve R. Martin was able to remove one of the metal stakes or standards while the load was 3-4 feet off the ground.

(17) The loader operator, before assuring that Steve R. Martin was clear, began to move the load while Steve R. Martin was still in contact with the Grappler and the load, striking him in the head and entrapping his arm and shoulder between the logs.

(18) Steve R. Martin suffered and sustained catastrophic injuries, including a traumatic brain injury; partial traumatic amputation of his ear; permanent hearing loss; cranial nerve damage which affects extremity function and eyesight; and has permanently and totally disabled him from gainful employment for which he is qualified by age, training, experience and education.

## NEGLIGENCE

(19) Steve R. Martin charges that Westvaco, by and through the actions of its officers, managers and employees, was negligent in the practices and procedures utilized by its

employees in unloading logging and timber trucks at its facilities and that that negligence proximately caused catastrophic injury to Steve R. Martin.

(20) The specific acts of negligence by Westvaco included:

- (a) Occupational Safety and Health Administration Rules and Procedures prohibit an employer from utilizing procedures that permits or allows a person to walk or work underneath a suspended load;
- (b) The employees of Westvaco negligently and carelessly moved a suspended load before assuring that Steve R. Martin was clear of the zone of danger;
- (c) The Lumbarjack Grappler utilized the night of Steve R. Martin's injury was unsafe because of defective brakes that prevented the operator from preventing movement of the loader while the load was suspended above ground and Steve R. Martin was in contact with the load; and
- (d) The absence of a ground helper and the "blind spots" for the loader operator made it impossible and impracticable for the facility to comply with its duty to make sure that everyone is in the clear before moving or grappling a load.

(21) Steve R. Martin invokes the Doctrine of *Respondeat Superior* and charges that all acts of negligence as aforesaid committed by officers, managers and employees of Westvaco are chargeable to it.

(22) As a direct and proximate result of Westvaco's negligence as aforesaid, Steve R. Martin suffered and sustained permanently debilitating injury and harm, including a traumatic brain injury; cranial nerve injuries; a partial traumatic amputation of his ear; permanent hearing loss; permanent vision disturbance; and impaired function of his lower extremities due to nerve injuries. These severe and permanently debilitating injuries have and will continue to

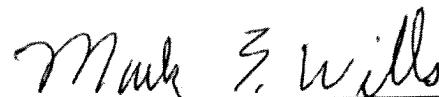
cause Steve R. Martin great pain, suffering, mental anguish and emotional distress; have and will continue to necessitate the expenditure of significant sums of money for his medical care and treatment, such sums already exceeding \$400,000.00; have and will continue to cause him to undergo invasive, painful and expensive surgical procedures in the future at a projected cost of \$100,000.00; have and will continue to cause him to experience a loss of physical function and loss of enjoyment of his regular and routine recreational and vocational activities; have and will continue to cause him lost earnings and lost wages and has permanently impaired his earnings capacity at a projected cost of greater than one million dollars; and have and will continue to cause him to experience permanent physical impairment as rated by the American Medical Association's *Guide to Permanent Impairment*.

**WHEREFORE**, Steve R. Martin demands a judgment in compensatory damages in an amount that fully and fairly compensates him for all aspects of his injuries, past, present and future; an award of pre-judgment and post-judgment interest on all special damages; statutory attorneys' fees and costs; and such other relief to which he may be entitled.

A JURY TRIAL IS DEMANDED.

**STEVE R. MARTIN**

BY: WILLS LAW OFFICE  
**and** SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN



MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074  
1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181

WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822  
*Counsel for Plaintiff*

Circuit Court  
Greenbrier Co., W. VA.  
Filed  
IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA  
2013 AUG 27 PM 1:52

STEVE R. MARTIN,  
Plaintiff,

v.

MEADWESTVACO CORPORATION,  
Defendant.

Civil Action No: 13-C-181

(R)

### **INTERROGATORIES**

The plaintiff, Steve R. Martin, requests ANSWERS to the following Interrogatories from the defendant within forty-five (45) days after the service hereof, pursuant to the authority granted under W. Va. R. Civ. P. 33.

### **INSTRUCTIONS**

In accordance with the applicable West Virginia Rules of Civil Procedure, the defendant is under a continuing obligation to update and supplement its Answers to these Interrogatories to the extent specified in W. Va. R. Civ. P. 26(e), when and if further information comes into its possession following the submission of its initial Answers. Where these Interrogatories request copies of various contracts, documents, reports, memorandums, photographs or correspondence, please regard that request as being made under the authority of W. Va. R. Civ. P. 34. This method of discovery will serve the dual interests of economy and convenience by dispensing with the need for follow-up requests. All terms used in these Interrogatories should be given their common, everyday meaning in light of the context in which they are used. If a specific Interrogatory is susceptible to more than one meaning, please answer anyway, indicating therein how you interpreted the question.

## INTERROGATORIES

(1) Were there any company-issued safety rules or regulations in force and effect on September 17, 2011 at Meadwestvaco Corporation's Covington, Virginia plant regulating the unloading of timber or logging trucks? If so, please provide the following:

- a. copies of any and all written safety rules, regulations or standards in force and effect; and
- b. the identify, by name, address and job title, of the Meadwestvaco Corporation employee responsible for ensuring compliance with these safety rules, regulations or standards on September 17, 2011.

(2) Did Meadwestvaco Corporation have video surveillance cameras operating on September 17, 2011 at its facilities in Covington, Virginia that captured the images of Steve R. Martin, or his truck, at any point in time upon which it entered the premises and property of Meadwestvaco Corporation up to and including the incident in which he received injury? If so, please provide the following:

- a. a legible copy of any video responsive to this Interrogatory; and
- b. the identity of the custodian of the video by name, address and job title.

(3) Does Meadwestvaco Corporation utilize any videos, training manuals, written materials, pamphlets and/or brochures to educate and train contractors delivering timber and logs to its facilities regarding company procedures and policies relating to unloading the timber and logs? If so, please produce a legible copy of all such videos, training manuals, written materials, pamphlets and/or brochures.

(4) Please identify by name, address and job title each employee of Meadwestvaco Corporation who was present on the night of September 17, 2011 who witnessed or observed any part of the incident in which Steve R. Martin was injured.

(5) Please identify by name, address and job title the employees of Meadwestvaco Corporation who were operating the loaders and grapplers at the delivery pad on September 17, 2011, including the name, address and job title of the operator manning the machine that was unloading the logs and timber from Steve R. Martin's truck at the time of his injury.

(6) Please identify by name, address and job title the individual or individuals who hold supervisory roles relating to the safety as of September 17, 2011 at Meadwestvaco Corporation's facilities in Covington, Virginia.

(7) Was there any physical evidence retained by Meadwestvaco Corporation, or any investigators, insurance adjusters, employees, officers or managers that was gathered and preserved on September 17, 2011 relating to the incident in which Steve R. Martin was injured? If so, please describe the physical evidence and identify the custodian of the evidence by name, address and job title.

(8) Identify non-Meadwestvaco Corporation employees who were present and/or observed any part of the incident in which Steve R. Martin was injured by name, address and phone number.

(9) Were there any written contracts, memorandums, letters of understanding and/or agreements in force and effect between Meadwestvaco Corporation and Steve R. Martin d/b/a Martin Logging on September 17, 2011? If so, please produce a legible copy of all such contracts, memorandums, letters of understanding and/or agreements.

(10) Has Meadwestvaco Corporation changed, altered or modified any of its unloading practices or procedures at its Covington, Virginia facilities following the injuries to Steve R. Martin? If so, please produce a legible copy of any such policies, procedures, amendments, modifications and/or alterations.

(11) Does Meadwestvaco Corporation issue Identification Cards, Authorization Cards or some other method of identification that permits ingress and egress to its facilities in Covington, Virginia for the purposes of delivering logs and timber? If so, please produce a legible copy of any such documents that pertain to Steve R. Martin d/b/a Martin Logging.

(12) Were there any photographs or videos made of the scene of Steve R. Martin's injury on September 17, 2011 by Meadwestvaco Corporation, its officers, employees, agents, representatives, investigators and/or insurers? If so, please produce a legible copy of all such photographs and videos.

(13) With respect to the Lumberjack/Loader/Grappler being used by the operator at the time of Steve R. Martin's injury, please provide the following:

- a. maintenance records from May 1, 2011 through December 31, 2011;
- b. daily operator inspection reports from May 1, 2011 through December 31, 2011;

and

c. copies of any invoices, work sheets, computer file entries, emails and/or text messages that pertain to repairs, inspections or parts ordered for this machine from May 1, 2011 through December 31, 2011.

(14) Were there any statements attributable to Steve R. Martin at the scene taken by Meadwestvaco Corporation, its officers, employees, agents, representatives, investigators and/or insurers? If so, please provide a summary of any such oral statement and a copy of any such written statement.

(15) Was Meadwestvaco Corporation covered by a liability insurance policy or policies protecting it against claims made by third parties injured on their premises in force and effect as of September 17, 2011? If so, identify the insurance carrier or carriers by name and address; produce a legible copy of the Declaration Page of all such policies; and specify the liability limits available under each such Policy.

(16) Please produce a legible copy of OSHA's Form 300, Log of Worker Related Injuries and Illnesses, for Meadwestvaco Corporation's Covington, Virginia operations for the reporting years of 2010, 2011 and 2012.

(17) Please produce a legible copy of OSHA's Form 300A, Injury and Illness Incident Report, for Meadwestvaco Corporation's Covington, Virginia operations for the reporting years of 2010, 2011 and 2012.

**STEVE R. MARTIN**

BY: WILLS LAW OFFICE  
and SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN

Mark E. Wills

MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074  
1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181

WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822

*Counsel for Plaintiff*

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

Circuit Court  
Greenbrier Co., W. VA.  
2013 AUG 27 PM 1:51

STEVE R. MARTIN,  
Plaintiff,

v.

Civil Action No: 13-C-181

MEADWESTVACO CORPORATION,  
Defendant.

---

**MEMORANDUM TO THE CLERK**

---

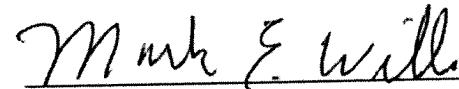
The Clerk will please institute this action, which is a suit seeking compensatory damages, and issue a Summons and Complaint in the name of Meadwestvaco Corporation, whose principal place of business is Richmond, Virginia. The Summons, Complaint and attached Interrogatories should be transmitted to the Secretary of State of the State of West Virginia for service upon this defendant in accordance with West Virginia's Long Arm statute at its registered agent for service, namely, **Meadwestvaco Corporation, c/o CT Corporation System, 5400-D Big Tyler Road, Charleston, West Virginia 25313**. The Summons should notify Meadwestvaco that it has thirty [30] days within which to answer the Complaint or relief by default judgment will be taken against it.

We have enclosed the required Civil Case Information Sheet, together with a check in the amount of \$155.00 to cover the institution fee; a check in the amount of \$20.00 to cover the Secretary of State's service fee; and a check in the amount of \$5.00 to cover the Clerk's mailing of the documents to the Secretary of State for service.

Your cooperation and assistance is greatly appreciated.

Respectfully submitted this the 27th day of August, 2013.

WILLS LAW OFFICE  
and  
SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN



MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074  
1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181  
WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822  
*Counsel for Plaintiff*

**CIVIL CASE INFORMATION STATEMENT--CIVIL CASES**

In the Circuit Court, Greenbrier County, West Virginia

Circuit Court  
 Greenbrier Co., W. Va.  
 Filed

2013 AUG 27 PM 1:52

**I. CASE STYLE:**

PLAINTIFF(S):

STEVE R. MARTIN  
 c/o Mark E. Wills, Esq.  
 1617 North Walker Street  
 Princeton, WV 24740

Civil Action No: \_\_\_\_\_

Judge: \_\_\_\_\_

**V.**

DEFENDANT(S):

Meadwestvaco Corporation  
 c/o CT Corporation System  
 5400-D Big Tyler Road  
 Charleston, West Virginia 25313

Days to Answer

30

Type of Service

Secretary of State

**II. TYPE OF CASE:**

TORTS                    OTHER CIVIL  
 Personal Injury

**III. JURY DEMAND:**    X Yes       NoCase Will Be Ready For Trial By (Month/Year): 06/14**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE  
SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE:**

   Yes    X No            If YES, please specify:  
 \_\_\_\_\_ Wheelchair accessible hearing room and other facilities  
 \_\_\_\_\_ Interpreter or other auxiliary aid for the hearing impaired  
 \_\_\_\_\_ Reader or other auxiliary aid for the visually impaired  
 \_\_\_\_\_ Spokesperson or other auxiliary aid for the speech impaired  
 \_\_\_\_\_ Other: \_\_\_\_\_

MARK E. WILLS, ESQ. (#4074)  
 c/o Wills Law Office  
 1617 North Walker Street  
 Princeton, West Virginia 24740  
 (304) 487-6181  
 Dated: August 26, 2013

Representing: X Plaintiff(s)       Defendant(s)   Cross-Complaint   Cross-Defendant

Mark E. Wills  
 Signature

**SUMMONS**

**Circuit Court of Greenbrier County, West Virginia**

STEVE R. MARTIN,

Plaintiff,

v.

Civil Action No: \_\_\_\_\_

MEADWESTVACO CORPORATION,

Defendant.

To the above-named Defendant(s): **MEADWESTVACO CORPORATION**  
**c/o CT Corporation System**  
**5400-D Big Tyler Road**  
**Charleston, West Virginia 25313**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon SANDERS, AUSTIN, FLANIGAN & FLANIGAN, plaintiff's attorney, whose address is 320 Courthouse Road, Princeton, West Virginia 24740, an Answer, including any related counterclaim you may have, to the COMPLAINT filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your Answer within 30 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action. Answers to the attached Interrogatories are due within forty-five [45] days of the date of service upon you.

DATED: March 3, 2013  
MARK E. WILLS, ESQ. (WV Bar #4074)  
c/o WILLS LAW OFFICE  
1617 North Walker Street  
Princeton, West Virginia 24740  
(304) 487-6181  
ATTORNEYS FOR PLAINTIFF(S)

Clerk of the Circuit Court of  
Greenbrier County, WV

BY: \_\_\_\_\_  
Deputy

OFFICE OF THE CIRCUIT CLERK  
GREENBRIER  
200 NORTH COURT STREET  
LEWISBURG

Receipt #: 56114

Date Received: 08/29/13

Received From: MARK WILLS LAW FIRM

160.00

Style of Case

STEVE R. MARTIN  
vs.  
MEADWESTVACO CORPORATION

Case #: 13-C-181

In Payment of FILING FEES  
By Check 9039 & 9041

LOUVONNE ARBUCKLE  
Clerk of the Circuit Court

By 

## EXHIBIT 2

ASE 13-C-181

GREENBRIER

TEVE R. MARTIN

vs. MEADWESTVACO CORPORATION

INE DATE ACTION

1 08/27/13 COMPLAINT FILED - SUMMONS ISSUED  
2 08/29/13 DEPOSIT - MARK WILLS \$160.00  
3 WV SECRETARY OF STATE (PD DIRECT \$20.00)  
4 09/03/13 MEADWESTVACO (SEC. OF ST. ACCPT. SERV. FOR)  
5 09/05/13 NOTIFICATION FROM WV SEC. OF STATE, GREEN CARD SIGNED BY ???  
6 ON BEHALF OF MEADWESTVACO

A True Copy:  
ATTEST:

Lorraine Arbrucke

Clerk, Circuit Court  
Greenbrier County, WV

By \_\_\_\_\_ Deputy

Civil Action Number 13-C-181  
Package Identification Code 92148901125134100000027901  
Signature Downloaded 9/10/2013 6:01:31 AM  
Defendant Name Meadwestvaco Corporations



Date Produced: 09/09/2013

WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0000 0279 01. Our records indicate that this item was delivered on 09/05/2013 at 10:42 a.m. in CHARLESTON, WV 25313. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section  
ture  
[Signature]  
ad  
s

A True Copy:  
ATTEST:

*Lorraine Arbrucke*  
Clerk, Circuit Court  
Greenbrier County, WV  
By \_\_\_\_\_ Deputy \_\_\_\_\_

Address of Recipient :

NY  
5400 0 Big Tyler rd

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 2790

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305

Circuit Court  
Greenbrier Co., W. VA.  
Filed

2013 SEP -6 AM 11:52



**Natalie E. Tennant**  
Secretary Of State  
State Of West Virginia  
Phone: 304-558-6000  
866-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

Louonne Arbuckle  
Greenbrier County Courthouse  
P. O. Drawer 751  
Lewisburg, WV 24901-0751

**A True Copy:**  
**ATTEST:**

Louonne Arbuckle  
Clerk, Circuit Court  
Greenbrier County, WV  
By Melissa M. May  
Deputy

**Control Number:** 347247

**Defendant:** Meadwestvaco Corporations  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

**Agent:** C. T. Corporation System

**County:** Greenbrier

**Civil Action:** 13-C-181

**Certified Number:** 92148901125134100000027901

**Service Date:** 9/3/2013

I am enclosing:

**1 summons and complaint, 1 interrogatories**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

Natalie E. Tennant  
Secretary of State

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

Circuit Court  
West Virginia Co., W. Va.  
Filed

2013 AUG 27 PM 1:52

STEVE R. MARTIN,  
Plaintiff,

v.

MEADWESTVACO CORPORATION,  
Defendant.

Civil Action No: 13-C-181

(R)  
A True Copy:  
ATTEST:

Louronne Arbruckle  
Clerk, Circuit Court  
Greenbrier County, WV

By Melissa A. McCoy Deputy

**C O M P L A I N T**

(1) Steve R. Martin, at all times relevant to this Complaint, operated a small logging company d/b/a Martin Logging. Steve R. Martin was the owner and sole employee and both he and his company are residents of the State of West Virginia.

(2) For more than a decade, Steve R. Martin has cut and delivered timber and logs to MeadWestvaco Corporation [Westvaco] at its paper mill plant just across the West Virginia border in Covington, Virginia.

(3) Westvaco is a Commonwealth of Virginia corporation with its principal offices in Richmond, Virginia. Westvaco has physical facilities and business operations in Greenbrier County, West Virginia and regularly contracts with West Virginia loggers for the purposes of cutting and delivering qualifying logs to Westvaco's paper mill operations in Covington, Virginia.

(4) Westvaco issues authorization cards to West Virginia loggers and others permitting and allowing West Virginia loggers to enter upon Westvaco's premises in Covington, Virginia for the purposes of delivering timber and logs, cut and processed in the State of West Virginia for delivery to Westvaco's paper mill facilities.

(5) Westvaco has identified a registered agent for service of process in the State of West Virginia, namely, CT Corporation System, 5400-D, Big Tyler Road, Charleston, West Virginia 25313.

(6) On the night of September 17, 2011, Steve R. Martin delivered a load of logs and timber he had cut that day in Greenbrier County, West Virginia to Westvaco's Covington, Virginia paper mill.

(7) Steve R. Martin's truck and load were weighed, and a weigh bill issued, and he drove his truck, with its load, to the concrete unloading pad.

(8) Steve R. Martin parked his vehicle in the designated location and exited his truck.

(9) Steve R. Martin unchained his load and moved away from his truck, 25-50 feet behind its rear. Steve R. Martin had on all required safety gear, including a hard hat and safety glasses.

(10) Westvaco did not make use of a loader helper. The practice and procedure at this location was that the trucker would assist the loader operator by hand signals for the purposes of having a L-90 Lumberjack Grappler use its grapples to remove the timber and logs from the truck bed and transport the timber and logs to the debarker or to the area where the logs were being stored.

(11) On this occasion, the Lumberjack Grappler operator, when removing the timber and logs from Mr. Martin's truck bed, also grabbed two of the steel standards used to keep the load within the truck bed. Both standards, or stakes, were caught up in the load, by then elevated over the ground.

(12) These metal standards or stakes must be removed from the load before processing at the debarker.

(13) The typical practice and procedure at this facility when steel standards or stakes were entangled in the load was that the load would be held in place, just above the ground, and the truck driver, while the load was being held in place, would remove the metal stakes or standards by hand.

(14) Depending on the location of the metal stakes or standards, the location of the man attempting to free the stakes is not visible to the loader operator.

(15) Steve R. Martin signaled the loader operator that the stakes were caught up in the load. Steve R. Martin received the verbal assurance from the operator that the load would be stationary and would not be further moved while he attempted to dislodge the metal stakes or standards.

(16) Steve R. Martin was able to remove one of the metal stakes or standards while the load was 3-4 feet off the ground.

(17) The loader operator, before assuring that Steve R. Martin was clear, began to move the load while Steve R. Martin was still in contact with the Grappler and the load, striking him in the head and entrapping his arm and shoulder between the logs.

(18) Steve R. Martin suffered and sustained catastrophic injuries, including a traumatic brain injury; partial traumatic amputation of his ear; permanent hearing loss; cranial nerve damage which affects extremity function and eyesight; and has permanently and totally disabled him from gainful employment for which he is qualified by age, training, experience and education.

## NEGLIGENCE

(19) Steve R. Martin charges that Westvaco, by and through the actions of its officers, managers and employees, was negligent in the practices and procedures utilized by its

employees in unloading logging and timber trucks at its facilities and that that negligence proximately caused catastrophic injury to Steve R. Martin.

(20) The specific acts of negligence by Westvaco included:

(a) Occupational Safety and Health Administration Rules and Procedures prohibit an employer from utilizing procedures that permits or allows a person to walk or work underneath a suspended load;

(b) The employees of Westvaco negligently and carelessly moved a suspended load before assuring that Steve R. Martin was clear of the zone of danger;

(c) The Lumbarjack Grappler utilized the night of Steve R. Martin's injury was unsafe because of defective brakes that prevented the operator from preventing movement of the loader while the load was suspended above ground and Steve R. Martin was in contact with the load; and

(d) The absence of a ground helper and the "blind spots" for the loader operator made it impossible and impracticable for the facility to comply with its duty to make sure that everyone is in the clear before moving or grappling a load.

(21) Steve R. Martin invokes the Doctrine of *Respondeat Superior* and charges that all acts of negligence as aforesaid committed by officers, managers and employees of Westvaco are chargeable to it.

(22) As a direct and proximate result of Westvaco's negligence as aforesaid, Steve R. Martin suffered and sustained permanently debilitating injury and harm, including a traumatic brain injury; cranial nerve injuries; a partial traumatic amputation of his ear; permanent hearing loss; permanent vision disturbance; and impaired function of his lower extremities due to nerve injuries. These severe and permanently debilitating injuries have and will continue to

cause Steve R. Martin great pain, suffering, mental anguish and emotional distress; have and will continue to necessitate the expenditure of significant sums of money for his medical care and treatment, such sums already exceeding \$400,000.00; have and will continue to cause him to undergo invasive, painful and expensive surgical procedures in the future at a projected cost of \$100,000.00; have and will continue to cause him to experience a loss of physical function and loss of enjoyment of his regular and routine recreational and vocational activities; have and will continue to cause him lost earnings and lost wages and has permanently impaired his earnings capacity at a projected cost of greater than one million dollars; and have and will continue to cause him to experience permanent physical impairment as rated by the American Medical Association's *Guide to Permanent Impairment*.

**WHEREFORE**, Steve R. Martin demands a judgment in compensatory damages in an amount that fully and fairly compensates him for all aspects of his injuries, past, present and future; an award of pre-judgment and post-judgment interest on all special damages; statutory attorneys' fees and costs; and such other relief to which he may be entitled.

A JURY TRIAL IS DEMANDED.

**STEVE R. MARTIN**

BY: WILLS LAW OFFICE  
**and** SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN



MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074  
1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181

WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822  
*Counsel for Plaintiff*

Circuit Court  
Greenbrier Co., W. VA.  
Filed  
IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA  
2013 AUG 27 PM 1:52

STEVE R. MARTIN,  
Plaintiff,

v.

Civil Action No: 13-C-181

(R)

MEADWESTVACO CORPORATION,  
Defendant.

## **INTERROGATORIES**

The plaintiff, Steve R. Martin, requests ANSWERS to the following Interrogatories from the defendant within forty-five (45) days after the service hereof, pursuant to the authority granted under W. Va. R. Civ. P. 33.

## **INSTRUCTIONS**

In accordance with the applicable West Virginia Rules of Civil Procedure, the defendant is under a continuing obligation to update and supplement its Answers to these Interrogatories to the extent specified in W. Va. R. Civ. P. 26(e), when and if further information comes into its possession following the submission of its initial Answers. Where these Interrogatories request copies of various contracts, documents, reports, memorandums, photographs or correspondence, please regard that request as being made under the authority of W. Va. R. Civ. P. 34. This method of discovery will serve the dual interests of economy and convenience by dispensing with the need for follow-up requests. All terms used in these Interrogatories should be given their common, everyday meaning in light of the context in which they are used. If a specific Interrogatory is susceptible to more than one meaning, please answer anyway, indicating therein how you interpreted the question.

## INTERROGATORIES

(1) Were there any company-issued safety rules or regulations in force and effect on September 17, 2011 at Meadwestvaco Corporation's Covington, Virginia plant regulating the unloading of timber or logging trucks? If so, please provide the following:

- a. copies of any and all written safety rules, regulations or standards in force and effect; and
- b. the identify, by name, address and job title, of the Meadwestvaco Corporation employee responsible for ensuring compliance with these safety rules, regulations or standards on September 17, 2011.

(2) Did Meadwestvaco Corporation have video surveillance cameras operating on September 17, 2011 at its facilities in Covington, Virginia that captured the images of Steve R. Martin, or his truck, at any point in time upon which it entered the premises and property of Meadwestvaco Corporation up to and including the incident in which he received injury? If so, please provide the following:

- a. a legible copy of any video responsive to this Interrogatory; and
- b. the identity of the custodian of the video by name, address and job title.

(3) Does Meadwestvaco Corporation utilize any videos, training manuals, written materials, pamphlets and/or brochures to educate and train contractors delivering timber and logs to its facilities regarding company procedures and policies relating to unloading the timber and logs? If so, please produce a legible copy of all such videos, training manuals, written materials, pamphlets and/or brochures.

(4) Please identify by name, address and job title each employee of Meadwestvaco Corporation who was present on the night of September 17, 2011 who witnessed or observed any part of the incident in which Steve R. Martin was injured.

(5) Please identify by name, address and job title the employees of Meadwestvaco Corporation who were operating the loaders and grapplers at the delivery pad on September 17, 2011, including the name, address and job title of the operator manning the machine that was unloading the logs and timber from Steve R. Martin's truck at the time of his injury.

(6) Please identify by name, address and job title the individual or individuals who hold supervisory roles relating to the safety as of September 17, 2011 at Meadwestvaco Corporation's facilities in Covington, Virginia.

(7) Was there any physical evidence retained by Meadwestvaco Corporation, or any investigators, insurance adjusters, employees, officers or managers that was gathered and preserved on September 17, 2011 relating to the incident in which Steve R. Martin was injured? If so, please describe the physical evidence and identify the custodian of the evidence by name, address and job title.

(8) Identify non-Meadwestvaco Corporation employees who were present and/or observed any part of the incident in which Steve R. Martin was injured by name, address and phone number.

(9) Were there any written contracts, memorandums, letters of understanding and/or agreements in force and effect between Meadwestvaco Corporation and Steve R. Martin d/b/a Martin Logging on September 17, 2011? If so, please produce a legible copy of all such contracts, memorandums, letters of understanding and/or agreements.

(10) Has Meadwestvaco Corporation changed, altered or modified any of its unloading practices or procedures at its Covington, Virginia facilities following the injuries to Steve R. Martin? If so, please produce a legible copy of any such policies, procedures, amendments, modifications and/or alterations.

(11) Does Meadwestvaco Corporation issue Identification Cards, Authorization Cards or some other method of identification that permits ingress and egress to its facilities in Covington, Virginia for the purposes of delivering logs and timber? If so, please produce a legible copy of any such documents that pertain to Steve R. Martin d/b/a Martin Logging.

(12) Were there any photographs or videos made of the scene of Steve R. Martin's injury on September 17, 2011 by Meadwestvaco Corporation, its officers, employees, agents, representatives, investigators and/or insurers? If so, please produce a legible copy of all such photographs and videos.

(13) With respect to the Lumberjack/Loader/Grappler being used by the operator at the time of Steve R. Martin's injury, please provide the following:

- a. maintenance records from May 1, 2011 through December 31, 2011;
- b. daily operator inspection reports from May 1, 2011 through December 31, 2011;

and

- c. copies of any invoices, work sheets, computer file entries, emails and/or text messages that pertain to repairs, inspections or parts ordered for this machine from May 1, 2011 through December 31, 2011.

(14) Were there any statements attributable to Steve R. Martin at the scene taken by Meadwestvaco Corporation, its officers, employees, agents, representatives, investigators and/or insurers? If so, please provide a summary of any such oral statement and a copy of any such written statement.

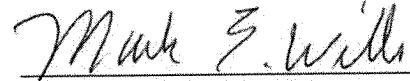
(15) Was Meadwestvaco Corporation covered by a liability insurance policy or policies protecting it against claims made by third parties injured on their premises in force and effect as of September 17, 2011? If so, identify the insurance carrier or carriers by name and address; produce a legible copy of the Declaration Page of all such policies; and specify the liability limits available under each such Policy.

(16) Please produce a legible copy of OSHA's Form 300, Log of Worker Related Injuries and Illnesses, for Meadwestvaco Corporation's Covington, Virginia operations for the reporting years of 2010, 2011 and 2012.

(17) Please produce a legible copy of OSHA's Form 300A, Injury and Illness Incident Report, for Meadwestvaco Corporation's Covington, Virginia operations for the reporting years of 2010, 2011 and 2012.

**STEVE R. MARTIN**

BY: WILLS LAW OFFICE  
**and** SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN



---

MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074

1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181

WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822

*Counsel for Plaintiff*

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

Circuit Court  
Greenbrier Co., W. Va.  
2013 AUG 27 PM 1:51

STEVE R. MARTIN,  
Plaintiff,

v.

Civil Action No: 13-C-181

MEADWESTVACO CORPORATION,  
Defendant.

**MEMORANDUM TO THE CLERK**

The Clerk will please institute this action, which is a suit seeking compensatory damages, and issue a Summons and Complaint in the name of Meadwestvaco Corporation, whose principal place of business is Richmond, Virginia. The Summons, Complaint and attached Interrogatories should be transmitted to the Secretary of State of the State of West Virginia for service upon this defendant in accordance with West Virginia's Long Arm statute at its registered agent for service, namely, **Meadwestvaco Corporation, c/o CT Corporation System, 5400-D Big Tyler Road, Charleston, West Virginia 25313**. The Summons should notify Meadwestvaco that it has thirty [30] days within which to answer the Complaint or relief by default judgment will be taken against it.

We have enclosed the required Civil Case Information Sheet, together with a check in the amount of \$155.00 to cover the institution fee; a check in the amount of \$20.00 to cover the Secretary of State's service fee; and a check in the amount of \$5.00 to cover the Clerk's mailing of the documents to the Secretary of State for service.

Your cooperation and assistance is greatly appreciated.

Respectfully submitted this the 27th day of August, 2013.

WILLS LAW OFFICE  
and  
SANDERS, AUSTIN, FLANIGAN  
& FLANIGAN

Mark E. Will

MARK E. WILLS, ESQ.  
WV STATE BAR ID NO: 4074  
1617 North Walker Street  
Princeton, WV 24740  
(304) 487-6181  
WILLIAM FLANIGAN, ESQ.  
WV STATE BAR ID NO: 1217  
320 Courthouse Road  
Princeton, WV 24740  
(304) 425-7822  
*Counsel for Plaintiff*

## CIVIL CASE INFORMATION STATEMENT---CIVIL CASES

In the Circuit Court, Greenbrier County, West Virginia

Circuit Court  
 Greenbrier Co., W. Va.  
 Filed  
 2013 AUG 27 PM 1:52

I.	CASE STYLE: PLAINTIFF(S): STEVE R. MARTIN c/o Mark E. Wills, Esq. 1617 North Walker Street Princeton, WV 24740	Civil Action No: <u>2013 AUG 27 PM 1:52</u>
	Judge: _____	
IV.	DEFENDANT(S): Meadwestvaco Corporation c/o CT Corporation System 5400-D Big Tyler Road Charleston, West Virginia 25313	<u>Days to Answer</u> 30 <u>Type of Service</u> Secretary of State
II.	TYPE OF CASE: <u>TORTS</u> <u>OTHER CIVIL</u> Personal Injury	
III.	JURY DEMAND: <u>X</u> Yes <u>      </u> No Case Will Be Ready For Trial By (Month/Year): <u>06/14</u>	
IV.	DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE:  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, please specify: <input type="checkbox"/> Wheelchair accessible hearing room and other facilities <input type="checkbox"/> Interpreter or other auxiliary aid for the hearing impaired <input type="checkbox"/> Reader or other auxiliary aid for the visually impaired <input type="checkbox"/> Spokesperson or other auxiliary aid for the speech impaired <input type="checkbox"/> Other: _____	

MARK E. WILLS, ESQ. (#4074)  
c/o Wills Law Office  
1617 North Walker Street  
Princeton, West Virginia 24740  
(304) 487-6181  
Dated: August 26, 2013

Representing:  Plaintiff(s)  Defendant(s)

Cross-Complaint  
 Cross-Defendant

Mark E. Wills  
Signature

**SUMMONS**

**Circuit Court of Greenbrier County, West Virginia**

STEVE R. MARTIN,

Plaintiff,

v.

Civil Action No: \_\_\_\_\_

MEADWESTVACO CORPORATION,

Defendant.

To the above-named Defendant(s): **MEADWESTVACO CORPORATION**  
**c/o CT Corporation System**  
**5400-D Big Tyler Road**  
**Charleston, West Virginia 25313**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon SANDERS, AUSTIN, FLANIGAN & FLANIGAN, plaintiff's attorney, whose address is 320 Courthouse Road, Princeton, West Virginia 24740, an Answer, including any related counterclaim you may have, to the COMPLAINT filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your Answer within 30 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action. Answers to the attached Interrogatories are due within forty-five [45] days of the date of service upon you.

DATED: Mark S. Wills

MARK E. WILLS, ESQ. (WV Bar #4074)  
c/o WILLS LAW OFFICE  
1617 North Walker Street  
Princeton, West Virginia 24740  
(304) 487-6181  
ATTORNEYS FOR PLAINTIFF(S)

Clerk of the Circuit Court of  
Greenbrier County, WV

BY: \_\_\_\_\_  
Deputy

OFFICE OF THE CIRCUIT CLERK  
GREENBRIER  
200 NORTH COURT STREET  
LEWISBURG

Receipt #: 56114

Date Received: 08/29/13

Received From: MARK WILLS LAW FIRM

160.00

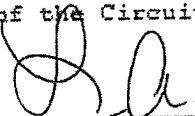
Style of Case

STEVE R. MARTIN  
vs.  
MEADWESTVACO CORPORATION

Case #: 13-C-181

In Payment of FILING FEES  
By Check 9039 & 9041

LOUVONNE ARBUCKLE  
Clerk of the Circuit Court

By 

## EXHIBIT 3

## West Virginia Secretary of State — Online Data Services

### Business & Licensing

Online Data Services Help

### Business Organization Detail

*NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.*

#### MEADWESTVACO CORPORATION

Organization Information							
Org Type	Effective Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
C   Corporation	1/17/2002	1/17/2002	Foreign	Profit			

Organization Information		
<b>Business Purpose</b>		<b>Capital Stock</b>
<b>Charter County</b>		<b>Control Number</b> 45267
<b>Charter State</b>	DE	<b>Excess Acres</b>
<b>At Will Term</b>		<b>Member Managed</b>
<b>At Will Term Years</b>		<b>Par Value</b>
<b>Authorized Shares</b>	0	

### Addresses

Type	Address
<b>Mailing Address</b>	ADELE LASCO % MEADWESTVACO 299 PARK AVENUE NEW YORK, NY, 10171 USA
<b>Notice of Process Address</b>	CT CORPORATION SYSTEM 5400 D BIG TYLER ROAD CHARLESTON, WV, 25313
<b>Principal Office Address</b>	501 SOUTH 5TH STREET RICHMOND, VA, 23219 USA
Type	Address

### Officers

Type	Name/Address
<b>Director</b>	MICHAEL E. CAMPBELL ARCH CHEMICALS INC. 501 MERRITT 7 NORWALK, CT, 06856
<b>Director</b>	DR. THOMAS W. COLE JR (ALSO 10 OTHERS) 4825 REGENCY TRACE SW ATLANTA, GA, 30331
<b>President</b>	JAMES ALLEN BUZZARD 11013 WEST BROAD STREET GLEN ALLEN, VA, 23060
<b>Secretary</b>	WENDELL LEWIS WILLKIE II FIVE HIGH RIDGE PARK STAMFORD, CT, 06905
<b>Treasurer</b>	ROBERT BIRKENHOLZ FIVE HIGH RIDGE PARK STAMFORD, CT, 06905
<b>Vice-President</b>	E. MARK RAJKOWSKI (ALSO 5 OTHERS) FIVE HIGH RIDGE PARK STAMFORD, CT, 06905
Type	Name/Address

### Name Changes

Date	Old Name

2/19/2002	MW HOLDING CORPORATION
Date	Old Name

Mergers				
Merger Date	Merged	Merged State	Survived	Survived State
1/16/2003	WESTVACO CORPORATION	DE	MEADWESTVACO CORPORATION	DE
Merger Date	Merged	Merged State	Survived	Survived State

Subsidiaries	
Name	Address
	MEADWESTVACO MARYLAND, INC
	THE MEAD CORPORATION COURTHOUSE PLAZA NE DAYTON, OH, 45463 USA
	UPLAND RESOURCES, INC
	WEST VIRGINIA PULP AND PAPER CORP
	WESTVACO CORPORATION COURTHOUSE PLAZA, NE DAYTON, OH, 45463 USA
Name	Address

Date	Amendment
1/16/2003	MERGER: MERGING WESTVACO CORPORATION, A QUALIFIED DE CORPORATION WITH AND INTO MEADWESTVACO CORPORATION, A QUALIFIED DE CORPORATION, THE SURVIVOR
2/19/2002	NAME CHANGE: FROM MW HOLDING CORPORATION
Date	Amendment

### Annual Reports

Date	Filed For
1/10/2013	2014
6/19/2012	2013
4/28/2011	2012
5/5/2010	2011
5/14/2009	2010
7/11/2008	2009
11/7/2007	2008
3/21/2007	2007
12/12/2005	2006
5/2/2005	2005
4/9/2004	2004
3/19/2003	2003
Date	Filed For

### Images

View	Name	Date Added	Date Effective	Type
View	MEADWESTVACO CORPORATION	3/7/2002	1/17/2002	N - Name Change
View	MW HOLDING CORPORATION	1/21/2002	1/17/2002	S - Company Formation
View	Name	Date Added	Date Effective	Type

Printed from West Virginia Secretary of State Online Data Services web site:  
<http://apps.sos.wv.gov>

Thursday, October 03, 2013 — 7:53 AM

© 2013 State of West Virginia